

FILED

AUG 21 2023

1 April Monegas; Plaintiff in Propria Persona
2104 E Anderson Ln., Apt. 1513
2 Austin, TX 78752
plafm@utanota.com; 512-522-8983
article no.: 7022 0410 0001 0908 9191

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 San Francisco Division
Phillip Burton Federal Building & United States Courthouse
6 450 Golden Gate Avenue; San Francisco, CA 94102

7 SELINA KEENE, et al,
8 PLAINTIFF,

9 v. CASE NO. 22-cv-01587-JSW

10 CITY AND COUNTY OF SAN FRANCISCO
11 DEFENDANT.

12 /
13 NOTICE OF FILING

14 April Monegas, the plaintiff in case 3:22-cv-04633 (JSW) against defendant City and County of
15 San Francisco notices this court and all parties that she has filed an objection to consolidation because
16 her legal theory and claims are distinct from the other plaintiffs, as the defendant has noted, and the
17 instructions for consolidation are unintelligible, it increases the costs of litigation, prejudices her case
18 and unfairly denies her access to the court. The objection has not received a ruling by the court.

19 Plaintiff April Monegas next filed a "Notice of refusal to comply or participate in
20 consolidation". A true and correct copy of this notice is attached as exhibit A.

21 DATED this 15th day of August 2023.

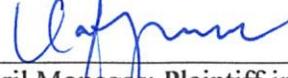
22 
23 April Monegas; Plaintiff in *Propria Persona*
24 2104 East Anderson Lane, Apt. 1513
Austin, Texas 78752
25 amonegas@gmail.com; (415) 802-9276

Exhibit A

filed copy of “Notice of refusal to comply or participate in consolidation”

Case 4:22-cv-04633-JSW Document 42 Filed 07/31/23 Page 1 of 4

FILED

JUL 31 2023

1 April Monegas; Plaintiff in *Propria Persona*
2 2104 East Anderson Lane, Apt. 1513
3 Austin, Texas 78752
4 plafm@tutanota.com; 512-522-8983
5 *article #: 7022 0410 0001 0908 9207*

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 **San Francisco Division**

9 Phillip Burton Federal Building & United States Courthouse
10 450 Golden Gate Avenue; San Francisco, CA 94102

11 APRIL MONEGAS,
12 PLAINTIFF,

13 v. CASE NO. 3:22-cv-04633 (JSW)
14 CITY AND COUNTY OF SAN FRANCISCO,
15 DEFENDANT.

16 **NOTICE OF REFUSAL TO COMPLY OR PARTICIPATE IN "LIMITED**
CONSOLIDATION"

17 Plaintiff filed an opposition to defendant's proposed consolidation of cases which made clear
18 that plaintiff opposes joining her case with other cases styled as "related vaccine cases" because of the
19 extreme prejudice it would cause her case. Plaintiff's claims are not based on the same legal standards
20 as the other plaintiffs (nor is her case a class action) who make claims under the California
21 Constitution and state laws, whereas plaintiff has filed her claim under federal law (ADA). Plaintiff
22 makes no claim that the defendant failed to accommodate a request for a "religious or medical
23 exemption" because plaintiff claims that she has no legal obligation which could trigger requesting
24 such an exemption and, further, that defendant has no legal duty to impose vaccines, thus it cannot
25 "offer" an exemption where no legal duty exists. Plaintiff's case does not share the same standards of
26 review, is based upon a different legal theory, and she does not make common allegations of law or
facts with the other cases. This has been admitted by the defendant in its proposal of consolidation.¹

27 28 ¹ "each of the Related Vaccine Actions, with the exception of the *Monegas Action*, involves claims under Title VII of the
Civil Rights Act against Defendant for allegedly failing to accommodate Plaintiffs' religious beliefs and/or for
discriminating against Plaintiffs for their held religious beliefs." *Proposed Order granting Consolidation* p. 3

1 This is in stark contrast to Judge Jeffrey White erroneous conclusion that “The Court finds that
 2 every one of the related cases involve overlapping factual issues regarding Defendant’s COVID-19
 3 vaccination policy and involve similar claims about the alleged failure of Defendant to accommodate
 4 Plaintiffs’ religious beliefs and/or medical conditions.”²

5 The judge has also not responded or ruled on the plaintiff’s filed Objection and Refusal of
 6 consolidation. The docket sheet shows that the defendant has a reply due on July 30th and then, it is
 7 presumed that the Judge will review all the plaintiffs’ objections (of which there are many) as a neutral
 8 arbiter without prejudice. Plaintiff reminds the court that “conserving the resources of the court” is not
 9 a legal argument and does not overcome any of plaintiff’s valid objections.

10 Plaintiff received an Order³ instructing her to begin a multi-case discovery process in which
 11 she is, without proper consideration of her valid opposition, instructed to serve her discovery materials
 12 on all parties which include her private employment records, commit to one schedule for all parties
 13 and attend multi-party hearings with the Magistrate Judge, provide copies of her discovery and
 14 depositions to all parties, and to file all her documents into the docket sheet of another case. Monegas
 15 is proceeding *pro se* and has already spent countless hours researching and responding to defendant
 16 under the parameters of her claims. This “limited consolidation” exponentially increases the costs of
 17 plaintiff’s litigation; invades her privacy; exponentially increases her filing burdens as a *pro se* as she
 18 is now expected to wade through a docket with multiple parties, respond to multi-party filings, and
 19 submit multi-party briefs which all have the same due date and multi-party service requirements; and
 20 she is expected to assume these additional burdens even though the Judge has not yet rendered a
 21 decision on her specific objections! This is intolerable, and plaintiff refuses to participate in this gross,
 22 complicated and transparent ruse of the court to deny the plaintiff access to the law.

23 In conclusion, the Court is hereby placed on notice and advised that plaintiff April Monegas
 24 will not participate in the consolidated case schedule. For the reasons stated herein, namely that her
 25 objection has yet to be replied to by the moving party or ruled on by the court which is effectively
 26 ignoring Monegas’ objections. This consolidation proposal is designed to make Monegas’ case more
 27 complicated than is humanly possible to comprehend and is a ruse to deny her access to the court. The
 28 court itself is collaborating with the executive branch of the local government to deny people access to
 their rights and remedies in the law.

² Order granting limited consolidation of related matters, July 12, 2023, p. 3.

³ Order granting limited consolidation of related matters, July 12, 2023

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The plaintiff certifies that this notice is made in good faith; for the purposes of justice and equity; that no party will suffer any substantial prejudice, the notice is not intended for the purpose of harassment or to cause unnecessary delay or increase in the costs of litigation.

DATED this 27th day of June, 2023.

April Monegas, Plaintiff

April Monegas; Plaintiff in *Propria Persona*
2104 East Anderson Lane, Apt. 1513
Austin, Texas 78752
plafm@tutanota.com; 512-522-8983

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division**

Phillip Burton Federal Building & United States Courthouse

Phillip Burton Federal Building & United States Courthouse
450 Golden Gate Avenue; San Francisco, CA 94102

APRIL MONEGAS,
PLAINTIFF,

v.

CASE NO. 3:22-cv-04633 (JSW)

CITY AND COUNTY OF SAN FRANCISCO,
DEFENDANT.

CERTIFICATE OF SERVICE

I, April Monegas, hereby certify that a true and correct copy of the foregoing Notice of non-compliance was duly served upon the defendant's attorney, Peter A. Cownan, at the address of 1390 Market Street, 5th Floor, San Francisco, CA 94102, via first class mail on this 27th day of July, 2023.

I, April Monegas, hereby certify that a true and correct copy of the foregoing Opposition and refusal to consolidate was duly served upon the defendant's additional attorney, Coby Marie Turner, at the address of 400 Capitol Mall, Suite 2350, Sacramento, CA 95814, via first class mail on this 27th day of July, 2023.

By: A.M.

1 **UNITED STATES DISTRICT COURT**
2 **NORTHERN DISTRICT OF CALIFORNIA**

3 **San Francisco Division**

4 Phillip Burton Federal Building & United States Courthouse
5 450 Golden Gate Avenue; San Francisco, CA 94102

6 SELINA KEENE, et al,
7 PLAINTIFF,

8 v.

9 CASE NO. 22-cv-01587-JSW

10 CITY AND COUNTY OF SAN FRANCISCO
11 DEFENDANT.

12 /

13 **CERTIFICATE OF SERVICE**

14 I, April Monegas, hereby certify that a true and correct copy of the foregoing Notice of Filing
15 was duly served upon the defendant's attorney, Peter A. Cownan, at the address of 1390 Market Street,
16 5th Floor, San Francisco, CA 94102, via first class mail on this 15th day of August, 2023.

17 I, April Monegas, hereby certify that a true and correct copy of the foregoing Notice of filing
18 was duly served upon the defendant's additional attorney, Coby Marie Turner, at the address of 400
19 Capitol Mall, Suite 2350, Sacramento, CA 95814, via first class mail on this 15th day of August 2023.

20 By: AM